

INTER-ISLAND WINS SUPREME COURT BIG RATE CASE

Utilities Commission Has No Power To Regulate Charges. Highest Tribunal Holds

ONLY REMEDY NOW LIES
WITH SHIPPING BOARD

Hearing in Case Lasted More Than a Year and Thousands of Pages of Evidence Were Given

Higher freight and passenger rates on boats of the Inter-Island Steam Navigation Company, which were forbidden in orders of the public utilities commission and fought through the supreme court, are to be effective, for in a ruling handed down yesterday the supreme court holds for the company and rules that the utilities commission is without power to regulate the company's rates.

"The public utilities commission has no jurisdiction," says the decision, "to regulate the rates and charges of a common carrier by water in interstate commerce for the transportation of persons and property from port to port in the Territory of Hawaii."

Since the controversy between the utilities commission and the navigation company began, as a result of complaints made by shippers, the company announced two separate increases in rates. The first was announced September 1, 1916. The other increase was announced October 1 last.

The hearing in the matter of Inter-Island rates began before the commission August 24, 1916. It lasted more than a year and the typewritten evidence given filled 2128 pages. As a result of the hearing the commission issued an order September 28, last, directing the company to cut passenger and freight rates materially and to put into force the schedule of rates that was in effect on August 1, 1916. This meant that both increases of rates the company had made while the controversy was in progress were forbidden by the commission's order. The company then appealed from the order to the supreme court.

Old and New Rates

The increase in passenger rates that went into effect October 1 last is shown in the following table:

Hawaii—	Before	After
Honolulu to Mahukona.....	\$10.00	\$11.00
Honolulu to Kailua.....	10.00	11.00
Honolulu to Hilo.....	12.50	13.75
Honolulu to Honaunau.....	13.00	14.00
Maua—		
Honolulu to Lahaina.....	5.00	5.50
Honolulu to Kahului.....	6.00	6.50
Kauai—		
Honolulu to Niihau.....	6.00	7.20
Honolulu to Hanalei.....	6.00	7.70

These rates were announced as a minimum on the new passenger schedule. A maximum rate of about a dollar more for the better cabins was also announced.

Up to Federal Board

Shippers and others who used the Inter-Island boat service who pinned their faith to the order of the utilities commission for cuts that would put the rates back where they were before either of the increases were made by the company now find under the ruling of the supreme court that their only remedy lies with the federal shipping board. In this connection the supreme court's ruling says:

"The shipping board established by act of congress of September 7, 1916, has sole and exclusive jurisdiction to regulate rates and charges of a common carrier by water in interstate commerce."

The appeal from the order of the navigation company was based on four contentions, but the supreme court held it was only necessary to deal with one of these. The first which contended "that the public utilities commission has no jurisdiction over the matter of the reasonableness of rates charged by the appellant or over the appellant, sole and exclusive jurisdiction over said matters being vested in the shipping board created by act of congress, dated September 7, 1916."

In its decision the supreme court reviews and quotes the territorial statute of 1915 by which the utilities commission was created. Also is quoted the act of congress creating the federal shipping board. The decision then says: "There is no question that the appellant, under provision of the shipping act, is a common carrier by water in interstate commerce." It is engaged in the transportation of passengers and property from port to port in the Territory of Hawaii.

"Congress has the exclusive power of controlling and regulating foreign and interstate commerce, and plenary legislative power in the Territories. It has the power to place all shipping on the high seas in the Territory on the same plane as interstate commerce, to declare the same interstate commerce and to withdraw the control thereof from any local board or commission and place the same in a board created by it, and we are satisfied it has done so in the shipping act."

In conclusion the court rules that the order was made without jurisdiction and other questions raised by the appeal became immaterial.

E. M. Watson, C. F. Gleason and W. T. Carden were the attorneys for the utilities commission. D. J. Withington, Castle & Withington, Smith Warren and Whitney and R. W. Breckons represented the navigation company.

ALCANTARA AGAIN REPRIEVED

The third reprieve from the sentence of death has been granted by the Governor to Hernandez Alcantara, a Filipino who was convicted September 17 and sentenced to hang. The latest reprieve postpones the execution until January 25, 1918. Alcantara was convicted of the murder of E. Eljano, another Filipino.

Registration Day Workers To Be Asked To Help Again

Selective Draft Officer Contemplates Using Them To Facilitate Handling of Work of Filling Out Questionnaire Blanks

To facilitate the handling of the vast work involved in the filling out of the draft questionnaire blanks throughout the Territory and to give personal aid the twenty-nine thousand and more men, who have received registry numbers, in filling them out accurately, Captain Francis J. Green, selective draft officer, contemplates using the list of men who so ably carried out the work of Registration Day on July 31.

The questionnaire blanks, which are now on hand by thousands at the draft office in the Capitol building, require an unusually strict compliance with details which, it is feared, may not be clearly understood by thousands of registrants who do not speak the English language, or even fully understand the printed words.

While the legal profession is willing to aid registrants to fill out the blanks correctly, and to give legal advice free of charge, it is not to be expected that the work will be less than anticipated and is inclined to request the cooperation of the registration day helpers, to work in relays for a few weeks. To accomplish this he also contemplates erecting the voting booths around town and establishing them as precinct headquarters to facilitate the work.

"We had a splendid lot of workers on that day," said the captain yesterday, "and it is to the credit of these men and the Territory as a whole that their services did not cost Uncle Sam a cent. Every one of these hundreds of workers did this work without pay, certain mainland state every helper was paid and it cost Uncle Sam just \$9 to register each man."

"If these same helpers, and others, will assist in the questionnaire movement, the work can be handled and finished within a few weeks."

"My plan would be to have one man in charge of each precinct, and then helpers to give a day, or a half a day, at the booth to aid registrants when they feel they cannot directly answer the questions themselves."

"In each booth there need not be more than one man a day. I know it is difficult for some men to get away from their work, but possibly through patriotic reasons, their firms will be glad to help and give them a day off."

Suppose there were seven helpers at a booth, that would give a man a day for a week. They might rotate week in and week out until the end is reached. Possibly some of the clubs around town like the Rotary Club could get behind the movement and be able to supply men where there are vacant places."

"The answering of these questionnaires is one of the most important classes of work that has yet to be done with registrants and must be done quickly and early in order to aid Uncle Sam to select the second great National Army."

"In many instances we would not have to go to the expense of erecting election booths, for the bandstands in the parks would serve, and buildings in the vicinity of old election booth locations would also do."

"The lawyers who are to serve will be commissioned for their work by President Wilson. The lawyers have already offered their services so there will be no lack of assistance from that quarter."

LITTLE CHANCE TO TRY HAYES SOON

Doctor Accused Pleads Not Guilty But Court Has No Funds For Trial Jurors

Any chance of a speedy trial in the case of Dr. H. Homer Hayes, who is charged with performing a criminal operation, is defeated because the board of supervisors has neglected to meet court emergency and provide funds with which to pay jurors. Reports that disclosures in which the public is acutely interested would be shut off by a plea of guilty were proved by the without basis yesterday morning when Doctor Hayes was arraigned. He entered a plea of not guilty before Judge William H. Heen in the district court.

When the case will come to trial is a matter of conjecture. All jury cases in the circuit court have been suspended for several weeks by reason of shortage of funds and this has meant that cases of all kinds, both civil and criminal have been accumulating. The Hayes case will go on to the criminal calendar if its regular order and as a large number of criminal cases are pending, it probably will not come to trial until these others preceding it are disposed of.

City Attorney Arthur M. Brown has stated that so far as he knows no attempt has been made to spirit away from the Territory any witnesses in the case and particularly the young woman who, it is alleged, was near death after the operation was performed.

Attorney Leon Straus, representing the physician declared yesterday when the plea was entered that his client was ready to go to trial at twenty-four hours notice.

THE BEST COUGH MEDICINE

Chamberlain's Cough Remedy is the largest selling cough medicine in the world today because it does exactly what a cough medicine is supposed to do. It stops coughs and colds quickly and effectively. For sale by all dealers. Benson, Smith & Co., Ltd., Agents for Hawaii.—Advertisement.

PERSONAL ESTATE OF QUEEN LISTED

Inventory Filed By Administrator Holstein Shows Liliuokalani Had Many Rare Treasures

All of the personal belongings of the late Queen Liliuokalani are listed in the voluminous inventory of the estate, which was filed yesterday by the temporary administrator, H. Lincoln Holstein, speaker of the house of representatives. According to the papers filed, Queen Liliuokalani at the time of her death had cash on hand amounting to about \$2000. Payments made since her death, including \$453.75 from the Territory, due as pension for November, bring the amount of cash up to \$2653.85. The total estimated value of the personal estate is \$35,000.35.

In his report the temporary administrator states that he has in fixing values availed himself of the best knowledge he could secure. In a number of instances where articles are inventoried and not valued, he says the reason is that in his opinion the articles in question, for sentimental or historical reasons, may be worth much more than their intrinsic value.

Disbursements Listed

Disbursements the temporary administrator has made in connection with the work he has been carrying on at Washington Place amount to \$202.50, vouchers for which are filed with the other papers.

A part of the report states that a list of certain silverware which are held or indefinite about making any statements whatsoever as to where they stand. Those who will not take their stand openly on this question on the side of America and her allies are just as much traitors and enemies as the Huns themselves, and should be dealt with as such.

"It is not so much between Americans and pro-Germans as between those who come out boldly on the side of America and those who are held or indefinite about making any statements whatsoever as to where they stand. Those who will not take their stand openly on this question on the side of America and her allies are just as much traitors and enemies as the Huns themselves, and should be dealt with as such."

"In spite of this, the whole situation is one that needs ventilating, and it is to be hoped that all the facts will be made public within the near future. The public will then be able to judge for themselves and insist on any action necessary to clear the matter up."

Deeds In Conflict

Doctor Deed would admit that the situation needed drastic action of any kind, though he promised or hinted of future movements are to be made by him until after the public statement is sent out. He spoke of the many outspoken loyal teachers of the college, and of the fact that many have offered their services to the country months ago.

"In the college world things are done without overmuch blaring of trumpets," said the president, "and though there are many whom I do not remember hearing much of a statement one way or another, I am certain that these are the American citizens."

"In many cases the teachers have offered their services to the Nation in any capacity in which they may be wanted; some of them as long ago as immediately after America's entry into the war."

"One of these mentioned is an Australian-born, but he is a naturalized American citizen. His application for service was turned down for physical disability, but he was anxious to do his part. Others have offered their services through scientific societies and other groups to which they belong. They have made no formal announcement about it nor sought any publicity, but have quietly and consistently done what they thought was their duty."

Wallace Farrington, president of the board of regents of the college, gave a talk before the faculty and students on Monday in which the value of patriotism and of giving one's self wholeheartedly to the service of America in the present crisis was emphasized. It was stated at the college yesterday that his talk was in the line of the regular monthly assemblies at the institution.

Scouts Idea

Mr. Farrington himself scouted the idea of pro-Germanism having a hold in the faculty of the college. He declared that there was no foundation for the reports current about town of the German leanings among some of the teachers.

"There is one German teacher on the staff of the college, and all this is about that fact," he said. "There are no other Germans, though several have names of German derivation, but they are all citizens and are loyal to America."

"There may be a report to be made after the next meeting of the board of regents, which will take place within a week, but further than that there is nothing to be said."

"It should be borne in mind that the circulation of idle gossip, embodying such rumors may do a grave injustice to entirely patriotic citizens, and also that the encouragement of such rumors would be in line with the policy of German propagandists, who would naturally desire to sow the seeds of suspicion and distrust in public officials and institutions."

After the filing of the papers yesterday Mr. Holstein said that he had completed the task set him by the court. He said that he intended to leave for his home on the island of Hawaii and would not return until after the holidays.

COLLEGE FACULTY LOYAL, SAYS DEAN

Reports Lead To Sending Out of Letters To Members Asking Where They Stand

Reports of pro-Germanism among the members of the faculty of the College of Hawaii have led to a quiet inquiry into the position taken by the various instructors on the subject of the war. A statement of the results of the inquiry will be issued later by Dr. Arthur L. Dean, president of the college.

"We know that such rumors have been circulated quite extensively," said Doctor Dean yesterday, "and we feel in fairness to the public and to the college that a frank statement should be made as soon as possible. At the present time there is nothing to tell."

According to statements made by several of the teachers, the situation has been serious enough to warrant the sending of individual letters to each one, asking for a plain statement of their stand on the war. Some of the letters have already been answered and it is presumably to wait until all the replies are in that the present delay is made in stating to the public exactly how the situation stands.

Sharp Division

"The division among the faculty is sharply drawn," said one of the teachers. "It is not so much between Americans and pro-Germans as between those who come out boldly on the side of America and those who are held or indefinite about making any statements whatsoever as to where they stand. Those who will not take their stand openly on this question on the side of America and her allies are just as much traitors and enemies as the Huns themselves, and should be dealt with as such."

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BHAMO MINED OFF SOUTH AFRICA

Captain and Men Stood By So As To Give Vessel Chance To Clear Field

Another steamer, the Bhamo, has been mined off the South African coast. The disaster occurred soon after the Swedish-owned vessel Bia had struck a mine in the same field.

A passenger told the following story to a representative of the Cape Times: "After the explosion the vessel began to settle down and the captain ordered four boats to be lowered. This was done, and the passengers and most of the crew left the ship. The captain and some of his men stood by, so as to give the vessel a chance to get clear of the mine field, and if possible to run for safety before she went to the bottom. We held on to the steamer by the ropes from the ship's side as she proceeded stern first at a very slow speed, so as to be ready to pick up the captain and what part of the crew was on board if anything should happen suddenly."

Picked Up By Trawler

Continuing his narrative the passenger said that about eleven o'clock on the Sunday night they saw the flash light of a vessel which had come to their relief. "It kept a great distance from us," he said, "and signalled to us that we were in a mine field, and that we were to back out of it. On the Monday the tug found us and took the Bhamo in tow. At night we in the tug went on the trawler and had a good supper. We did not want to go aboard, as those on the steamer would be left without any boats to pick them up in the event of the ship going down, but the captain of the trawler compelled us, as he said that he was responsible for our safety and could not allow us to remain in open boats during the bad weather that was coming on. It was very well that he did, for very soon one of the boats was stove in, as was another some hours later. Unfortunately, all my belongings, except what I stand up in, were in one of the boats."

Saw Several Mines

In reply to a question, he added that after taking to the boats they saw several mines in the water. They shouted to the captain, who was then on board, and told him what had been seen. After that the ship proceeded more cautiously than ever. He said the mines were in the appearance of a tube, and showed about a foot above the water. Underneath they were like a buoy or cone. He was distinctly of opinion that the Bhamo was in a mine field, and a companion voyager of his, who was standing by when the interview took place, corroborated the description given as to objects seen in the water.

The Bhamo eventually reached Table Bay in charge of a tugboat. She was loaded there. The diver who examined the vessel reported that the whole of the keel plates from about twenty-two feet from the stem to forty feet aft had been torn away. There was also other damage above the waterline.

Learning To Fly Is
Dangerous Work

Says Archie Hickman

Eight machines are smashed every day at the Royal Flying Corps aviation station in eastern Canada, according to Archie C. Hickman, formerly with the Honolulu Gas Company, and now a member of this famous corps. Hickman left Honolulu a few months ago for Canada and was assigned to the aviation corps.

So intensive is the training that the machines are naturally frequent, while in some cases there have been collisions in the air when both machines tumble to the ground. Hickman says that they are learning to get killed early in the game. The machine cost about \$7500 apiece. The government allows each cadet three machines, and if he smashes more than that number, he is discharged.

"We are expecting to leave here shortly for Texas," writes Hickman, as the weather here is too severe for flying. "I am living in the hope of being at the front sometime next year."

"We do not know what rest is here. We work Sundays. When we are on early flying we are up at four in the morning to warm up the motors, and the cadets commence flying as soon as day breaks. America's cadets are here also for training."

He asked to have his best regards extended to his friends and mentions the employees of Sehaman Carriage Company, particularly.

CHEMISTS TO SEEK
NEW GASES FOR WAR

WASHINGTON, November 19.—Six of the country's foremost chemists were called into service of the government today to serve as a special board to investigate explosives and the use of gases in warfare. They were named by Secretary Lane to act as advisers to the bureau of mines. The members are: Dr. William H. Nichols, of General Chemical company, New York; Chairman, Professor H. D. Taubert, head of the chemical department of the Massachusetts Institute of Technology; William Hoskins, of Chicago, a consulting chemist; Professor H. F. Venable, of the University of North Carolina; E. C. Franklin, of Leland Stanford University, and Dr. L. Parsons, of the bureau of mines.

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Green Asks Again For Extension of Enlistment Time

As Questionnaire Has Been Delayed He Thinks Those Who Want To Join Army Should Be Given the Opportunity

No answer having been received from Provost Marshal General Crowder, at Washington to Capt. Francis J. Green's cable message of December 14, asking that the closing of enlistments here for men in the regular army be extended to January 1, 1918, the selective draft officer cabled again yesterday asking for a direct answer.

The questionnaire blanks not having been received here until Saturday, the very day on which the questionnaireing was to go into force, and knowing that he could not get this work started before the end of the year, the captain believed that the fair and square thing to the people of the Territory would be to extend also the time for enlistments.

The cable was sent yesterday after a civilian, who is an excellent engineer and applied to the Engineer Corps at Fort Shafter for enlistment. As December 15 had come and gone, the military men at Shafter, while extremely desirous to take the man into service felt they could not do so without violating regulations. The case was put up to the Hawaiian department headquarters, and it was decided there that no chances could be taken with the regulations.

Captain Green hopes to receive a reply today, and if favorable, it is understood that a large number of men will enlist in the regular service before New Year's Day. The Engineer Corps wants 475 additional men right away. The response so far has been slow, but with the extension of time the recruit officers believe they can secure a fair number against this allotment.

Ben Bruns Is Back
On A Visit,
Bringing A Wife

Ben Bruns, kamaaina, the first man to bring an "honorable goodness" air to Hawaii twenty years ago; gun fan and rapid fire booster, is back in Honolulu. This time Bruns brought back with him a "prize"—his wife Ben, whom the old timers claimed never would be caught, was married two years ago in Cincinnati, Ohio. This trip they claim is a postponed honeymoon.

Speaking of Honolulu yesterday Bruns said: "I actually lost myself when I got to the corner of Fort and King Streets and looked toward Hotel The new buildings, new designs, new asphalt pavements and everything that look of prosperity and bustle that goes with a large city. There is no use in saying that I am glad to be back everyone who knows me can answer that question."

But it will be remembered, showed the first cinema in Honolulu in a lot at the corner of Beretania and Alakea Streets where now stands the Honolulu Gas Company's building. On a return trip about six years ago, he brought to Honolulu the greatest collection of fox terrier dogs ever imported into the Territory. He and Mrs. Bruns will make a tour of the Islands before returning to the mainland.

HAGENS RESIGNS AS
HACKFELD OFFICER

J. F. C. Hagens, member of the officers' reserve corps, has resigned from his position as vice-president and acting manager of H. Hackfeld & Company. It is stated that his action was taken so that he would be free from any business liabilities in the event that he is called to serve as a number of others in the officers' reserve corps have been called. His action will enable him to enter active service at any time and this, it is stated, is in accordance with his desires.

Mr. Hagens has been connected with the Hackfeld company for a number of years and he is closing a year's service as president of the chamber of commerce.

GERMAN STRENGTH IN
WEST FRONT IS SHOWN

WASHINGTON, December 10.—(Associated Press)—Strength of the German military forces assembled on the French front is indicated by official statistics compiled by the French authorities, made public today. This shows that the German divisions engaged in battle in 1917 were: Alsace-Vigny and Metz, 78; Verdun, 21; Lens, 7; Flanders, 90; Alsace, October, 1917, 13.

A German division is 19,000 men. If the figures above given are correct, the total of Germans on the west front is 5,054,000.

AN IMPROVED QUININE
DOES NOT AFFECT THE HEAD